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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/631,438	08/02/2000	Donald J. MacLeod	A-59709-3/JAS	9669

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James A Sheridan
THOMASON MOSER & PATTERSON LLP
4149-BEL CAMINO WAY
PALO ALTO, CA 94306-4036

EXAMINER

LE, DANG D

ART UNIT	PAPER NUMBER
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2834

DATE MAILED: 10/21/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/631,438

Applicant(s)

MACLEOD ET AL.

Examiner

Dang D Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 August 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Request for Continued Examination

1. The request filed on 8/28/02 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 09/631,438 is acceptable and a CPA has been established.

It is noted that the request for a Continued Prosecution Application (CPA) was wrongly filed for Application No. 09/631,438. It was intended for Application No. 09/453,679. The examiner informed the applicant's representative, Ms. Laura L. Hulac, that a petition could be made to withdraw the CPA if desired on 10/01/02. However, no petition has been received.

As a result, an action on the CPA follows.

Response to Arguments

2. Applicant's arguments filed 7/12/02 have been fully considered but they are not persuasive. The applicant's argument is on the ground that "claim 8 is means plus function claim which is interpreted to read on Figures 8A and 8B". However, it is not known that the prior art element of Tsukuda et al. (U. S. Patent No. 4,614,929 is excluded by any explicit definition provided in the specification. It is neither known that the prior art elements of Soeda et al. (U. S. Patent No. 5,200,729) combined with those of Littwin (U. S. Patent No. 3,417,295) are excluded by any explicit definition provided in the specification.

As a result, the rejections of claim 8 are deemed proper and repeated herein.

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3. Applicant's arguments with respect to claims 6, 7, 9 and 10 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 6, 7, 9 and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Prochazka.

Regarding claim 6, Prochazka shows a magnetizer (10, Figure 1) for magnetizing a circular magnet (column 4, lines 64-67) with a null zone (Figure 2B) intermediate alternating poles (S, N) comprising a circular insulating core (12) supporting pairs of axially directed wires (24, and opposite 24), each pair of wires adapted to carry current in the same axial direction (Figure 1), and a back iron (14) radially spaced from said circular core by a sufficient radial gap (44) to allow the circular magnet to be magnetized

to slip into said radial gap, the flux being shaped (Figure 1) to create alternating magnetic poles (S, N) separated by a null zone (126a, Figure 2B) around the circular magnet, the magnetic flux (46) being shaped by said back iron (14) to return through the magnet to said core (12).

Regarding claim 7, it is noted Prochazka also shows the radial gap being of sufficient radial extent that a portion of the radial gap remains open when the circular magnet is inserted so that the null zone of the magnet includes a softened transition zone at either end (Figure 2B).

Regarding claim 9, it is noted that Prochazka also shows adjacent pair of wires (left and right of 24) carrying current in opposite direction.

Regarding claim 10, Prochazka shows a magnetizer (10, Figure 1) for magnetizing a circular magnet (column 4, lines 64-67) with a null zone (Figure 2B) intermediate alternating poles (S, N), the magnetizer comprising a back iron (12) circumscribing a circular insulating core (14), the magnetizer further comprising a pluralities of wire pairs axially disposed in the circular insulative inner core (32 and opposite 32), each wire pair located closed together, current flowing through the paired wires creating flux fields (Figure 1) around each said wire pair thereby establishing a magnetic field between the inner core and the back iron to magnetize a magnet disposed between an inner circumference of the back iron and an outer circumference of the inner core, the null transition zones (126a) being formed in the regions of the magnet between the wire pairs where the flux is passing through the back iron (12) and there is little flux field from the paired wires passing through the magnet.

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6. Claim 8 is rejected under 35 U.S.C. 102(b) as being anticipated by Tsukuda et al.

Regarding claim 8, it is noted that Tsukuda et al. also show a magnetizer (36, Figure 6) for magnetizing a magnet (32) with a null zone (d, 44) intermediate alternating poles (S, N) comprising:

- Means (30) for supporting the magnet in the magnetizer and
- Conductive means (40, 40') for creating a flux path (arrow line) through the magnet which establish the null zone (d, 44) in the magnet.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Soeda et al. in view of Littwin.

Regarding claim 8, Soeda et al. show a magnetizer (Figures 9-10) for magnetizing a magnet (30) with a null zone (30b) intermediate alternating poles (30c, 30a) comprising conductive means (20a, 20b, 50b) for creating a flux path (F, F1, F2) through the magnet which establish the null zone (30b) in the magnet.

Soeda et al. do not show means for supporting the magnet in the magnetizer.

Littwin shows means (28) for supporting the magnet (20) in the magnetizer (30) for the purpose of holding the magnet in the magnetizer.

Since Soeda et al. and Littwin are all from the same field of endeavor; the purpose disclosed by one inventor would have been recognized in the pertinent art of the others.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to use means for supporting the magnet in the magnetizer as taught by Littwin for the purpose discussed above.

Conclusion

10. This is a *continuation* of applicant's earlier Application No. 09/631438. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Information on How to Contact USPTO

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dang D Le whose telephone number is (703) 305-0156. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on (703) 308-1371. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.

DDL
October 18, 2002

DL

Dang D. Le